

AMENDED IN SENATE JULY 1, 2008

AMENDED IN SENATE JUNE 17, 2008

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

## ASSEMBLY BILL

**No. 2423**

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**Introduced by Assembly Member Bass**

February 21, 2008

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An act to amend Sections 2878.9 and ~~4521.1~~, 4521.1, 7396.5, and 7403 of, and to add Sections 2844, 2879, 4506, 4522, 4808.5, 4845, ~~4846~~, 4845.5, 7516, 7526.1, 7564.1, 8524.5, 8572, 8623, 9882.6, 9884.21, and 9884.22 to, the Business and Professions Code, relating to professions and vocations.

### LEGISLATIVE COUNSEL'S DIGEST

AB 2423, as amended, Bass. Professions and vocations: licensure.

Existing law provides for the licensure, registration, and regulation of various professions and vocations by boards and bureaus, including, but not limited to, the Board of Vocational Nursing and Psychiatric Technicians of the State of California, the Veterinary Medical Board, *the State Board of Barbering and Cosmetology*, the Structural Pest Control Board, the Bureau of Security and Investigative Services, and the Bureau of Automotive Repair, within the Department of Consumer Affairs. Existing

*Existing* law authorizes a board to deny licensure on certain bases, including an applicant's conviction of a crime substantially related to the qualifications, functions, or duties of the licensed business or profession, regardless of whether the conviction has been dismissed on specified grounds; an applicant's performance of any act involving dishonesty, fraud, or deceit with the intent to substantially benefit

himself or herself or another or to substantially injure another; or an applicant's performance of any act that would be grounds for suspension or revocation of the license. Existing law provides that no person shall be denied a license solely on the basis that he or she has been convicted of a felony, if he or she has obtained a specified certificate of rehabilitation, or that he or she has been convicted of a misdemeanor, if he or she has met certain rehabilitation requirements. Existing law requires a board that denies an application for licensure to either file and serve a statement of issues or provide the applicant with certain information upon doing so. Existing law authorizes a board to suspend or revoke a license on the basis that a licensee has been convicted of a crime that is substantially related to the qualifications, functions, or duties of the licensed business or profession, regardless of whether the conviction has been dismissed on specified grounds, and requires the board to provide the ex-licensee with certain information upon doing so. *Existing law also authorizes the Board of Vocational Nursing and Psychiatric Technicians of the State of California and the State Board of Barbering and Cosmetology to issue a probationary license to an applicant who meets specified requirements and conditions. Existing law also authorizes the State Board of Barbering and Cosmetology to revoke, suspend, or deny a license at any time on any of the grounds for disciplinary action and, upon the denial of a license, requires the board to provide a specified statement of reasons for the denial and requires this board to conduct a specified study related to licensing functions that may create barriers to employing people with criminal records and to report these findings to the Legislature on or before September 1, 2007.*

This bill would authorize ~~the Board of Vocational Nursing and Psychiatric Technicians of the State of California,~~ the Veterinary Medical Board, *with respect to registered veterinary technicians,* the Structural Pest Control Board, and the Director of Consumer Affairs, *with respect to licensed private investigators and registered automotive repair dealers,* to issue a probationary license or registration to an applicant subject to specified terms and conditions. The bill would require these boards, *the Board of Vocational Nursing and Psychiatric Technicians of the State of California, the State Board of Barbering and Cosmetology,* and the director, when considering the issuance of a probationary license or registration, to request that an applicant with a dismissed conviction provide proof of that dismissal and would require that special consideration be given to applicants whose criminal

convictions have been dismissed, as specified. The bill would require the boards and the director to develop standard terms of probation, as specified. The bill would also authorize these boards and the director to revoke, suspend, or deny at any time any required license or registration and, upon the denial of a license or registration, would require these boards and the director to provide a specified statement of reasons for a denial and, if applicable, a copy of the applicant's criminal history record. The bill would require these boards, *other than the State Board of Barbering and Cosmetology*, and the director to conduct a specified study related to licensing or registration functions that may create barriers to employing people with criminal records and to report these findings to the Legislature on or before September 1, 2010.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 2844 is added to the Business and  
2 Professions Code, to read:  
3 2844. (a) The board shall study the effects of current law,  
4 regulations, and policy related to the licensing functions of the  
5 board that may create unnecessary barriers to employing people  
6 with criminal records as licensed vocational nurses. The objective  
7 of the study shall be to identify changes in law or board policy to  
8 help remove unnecessary barriers to licensing due to criminal  
9 records while protecting the safety and security of patients and the  
10 integrity of the practice of vocational nursing. The board shall  
11 report all of its findings to the Legislature on or before September  
12 1, 2010.  
13 (b) For each of the calendar years 2003, 2004, 2005, 2006, and  
14 2007, the study shall provide the following information:  
15 (1) The total number of applicants.  
16 (2) The number of applicants who were denied licensure.  
17 (3) The number of applicants who disclosed a criminal record  
18 on their application. Of those applicants:  
19 (A) The number of applicants who were denied licensure.  
20 (B) The number of applicants who were denied licensure who  
21 requested a hearing to appeal the decision.

1 (C) The number of applicants whose appeal resulted in reversal  
2 or modification of the decision, including the issuance of a  
3 probationary license.

4 (D) The age and severity of each offense.

5 (E) The number of applicants with nonviolent drug offenses.

6 (F) The number of applicants with misdemeanor offenses.

7 (G) The number of applicants that were asked by the board to  
8 supply additional information relating to their criminal record.

9 (H) The number of applicants who provided evidence of  
10 rehabilitation.

11 (4) The criteria applied by the board to determine whether an  
12 applicant's criminal record is substantially related to the requested  
13 license, including the specific categories of disqualifying offenses  
14 and any criteria related to the age and severity of the disqualifying  
15 offenses.

16 (5) The criteria applied by the board to determine whether an  
17 applicant has been sufficiently rehabilitated, including an analysis  
18 of the factors that most often lead to a determination of  
19 rehabilitation resulting in licensing.

20 (6) The average length of time that an appeal was pending  
21 relative to the date of the hearing request and final decision.

22 (7) The number and percentage of appeals pending longer than  
23 30 days and longer than 100 days from the time the applicant  
24 requested the hearing.

25 SEC. 2. Section 2878.9 of the Business and Professions Code  
26 is amended to read:

27 2878.9. (a) The board may issue an initial license on probation,  
28 with specific terms and conditions, to any applicant who has  
29 violated any term of this chapter, but who has met all other  
30 requirements for licensure and who has successfully completed  
31 the examination for licensure within four years of the date of  
32 issuance of the initial license.

33 (b) Specific terms and conditions may include, but are not  
34 limited to, the following:

35 (1) Continuing medical, psychiatric, or psychological treatment.

36 (2) Ongoing participation in a specified rehabilitation program.

37 (3) Abstention from the use of alcohol or drugs.

38 (4) Compliance with all provisions of this chapter.

39 (c) (1) Notwithstanding any other provision of law, and for  
40 purposes of this section, when deciding whether to issue a

1 probationary license, the board shall request that an applicant with  
2 a dismissed conviction provide proof of that dismissal and  
3 shall give special consideration to applicants whose convictions  
4 have been dismissed pursuant to Section 1203.4 or 1203.4a of the  
5 Penal Code.

6 (2) The board shall also take into account and consider any other  
7 reasonable documents or individual character references provided  
8 by the applicant that may serve as evidence of rehabilitation as  
9 deemed appropriate by the board.

10 (d) The board may modify or terminate the terms and conditions  
11 imposed on the probationary license upon receipt of a petition  
12 from the applicant or licensee.

13 (e) For purposes of issuing a probationary license to qualified  
14 new applicants, the board shall develop standard terms of probation  
15 that shall include, but not be limited to, the following:

16 (1) A three-year limit on the individual probationary license.

17 (2) A process to obtain a standard license for applicants who  
18 were issued a probationary license.

19 (3) Supervision requirements.

20 (4) Compliance and quarterly reporting requirements.

21 SEC. 3. Section 2879 is added to the Business and Professions  
22 Code, to read:

23 2879. (a) Notwithstanding Section 2878 or any other provision  
24 of law, the board may revoke, suspend, or deny at any time a  
25 license under this chapter on any of the grounds for disciplinary  
26 action provided in this chapter. The proceedings under this section  
27 shall be conducted in accordance with Chapter 5 (commencing  
28 with Section 11500) of Part 1 of Division 3 of Title 2 of the  
29 Government Code, and the board shall have all the powers granted  
30 therein.

31 (b) The board may deny a license to an applicant on any of the  
32 grounds specified in Section 480.

33 (c) In addition to the requirements provided in Sections 485 and  
34 486, upon denial of an application for a license, the board shall  
35 provide a statement of reasons for the denial that does the  
36 following:

37 (1) Evaluates evidence of rehabilitation submitted by the  
38 applicant, if any.

39 (2) Provides the board's criteria relating to rehabilitation,  
40 formulated pursuant to Section 482, that takes into account the age

1 and severity of the offense, and the evidence relating to  
2 participation in treatment or other rehabilitation programs.

3 (3) If the board's decision was based on the applicant's prior  
4 criminal conviction, justifies the board's denial of a license and  
5 conveys the reasons why the prior criminal conviction is  
6 substantially related to the qualifications, functions, or duties of a  
7 licensed vocational nurse.

8 (d) (1) If the denial of a license is due at least in part to the  
9 applicant's state or federal criminal history record, the board shall  
10 include with the information provided pursuant to paragraph (3)  
11 of subdivision (c) a copy of the applicant's criminal history record.

12 (A) The state or federal criminal history record shall not be  
13 modified or altered from its form or content as provided by the  
14 Department of Justice.

15 (B) The criminal history record shall be provided in such a  
16 manner as to protect the confidentiality and privacy of the  
17 applicant's criminal history record and the criminal history record  
18 shall not be made available by the board to any employer.

19 (C) The board shall record and maintain the name of the  
20 applicant, the applicant's address, and the date the criminal history  
21 record was provided by the board to the applicant pursuant to this  
22 section.

23 (2) The board shall make this information available upon request  
24 by the Department of Justice or the Federal Bureau of Investigation.

25 (e) Notwithstanding Section 487, the board shall conduct a  
26 hearing of a license denial within 90 days of receiving an  
27 applicant's request for a hearing. For all other hearing requests,  
28 the board shall determine when the hearing shall be conducted.

29 (f) In any case in which the administrative law judge  
30 recommends that the board revoke, suspend, or deny a license, the  
31 administrative law judge may, upon presentation of suitable proof,  
32 order the licensee to pay the board the reasonable costs of the  
33 investigation and adjudication of the case. For purposes of this  
34 section, "costs" include any charges by the board for investigating  
35 the case, any charges incurred by the office of the Attorney General  
36 for investigating and presenting the case, and any charges incurred  
37 by the Office of Administrative Hearings for hearing the case and  
38 issuing a proposed decision.

39 (g) The costs to be assessed shall be fixed by the administrative  
40 law judge and shall not, in any event, be increased by the board.

1 When the board does not adopt a proposed decision and remands  
2 the case to an administrative law judge, the administrative law  
3 judge shall not increase the amount of any costs assessed in the  
4 proposed decision.

5 (h) The board may enforce the order for payment in the superior  
6 court in the county where the administrative hearing was held.  
7 This right of enforcement shall be in addition to any other rights  
8 the board may have as to any licensee directed to pay costs.

9 (i) In any judicial action for the recovery of costs, proof of the  
10 board's decision shall be conclusive proof of the validity of the  
11 order of payment and the terms for payment.

12 (j) Notwithstanding any other provision of law, all costs  
13 recovered by the board under this section shall be deposited in the  
14 Vocational Nursing and Psychiatric Technicians Fund as a  
15 scheduled reimbursement in the fiscal year in which the costs are  
16 actually recovered.

17 SEC. 4. Section 4506 is added to the Business and Professions  
18 Code, to read:

19 4506. (a) The board shall study the effects of current law,  
20 regulations, and policy related to the licensing functions of the  
21 board that may create unnecessary barriers to employing people  
22 with criminal records as licensed psychiatric technicians. The  
23 objective of the study shall be to identify changes in law or board  
24 policy to help remove unnecessary barriers to licensing due to  
25 criminal records while protecting the safety and security of patients  
26 and the integrity of the practice of psychiatric technicians. The  
27 board shall report all of its findings to the Legislature on or before  
28 September 1, 2010.

29 (b) For each of the calendar years 2003, 2004, 2005, 2006, and  
30 2007, the study shall provide the following information:

- 31 (1) The total number of applicants.  
32 (2) The number of applicants who were denied licensure.  
33 (3) The number of applicants who disclosed a criminal record  
34 on their application. Of those applicants:  
35 (A) The number of applicants who were denied licensure.  
36 (B) The number of applicants who were denied licensure who  
37 requested a hearing to appeal the decision.  
38 (C) The number of applicants whose appeal resulted in reversal  
39 or modification of the decision, including the issuance of a  
40 probationary license.

1 (D) The age and severity of each offense.

2 (E) The number of applicants with nonviolent drug offenses.

3 (F) The number of applicants with misdemeanor offenses.

4 (G) The number of applicants that were asked by the board to  
5 supply additional information relating to their criminal record.

6 (H) The number of applicants who provided evidence of  
7 rehabilitation.

8 (4) The criteria applied by the board to determine whether an  
9 applicant's criminal record is substantially related to the requested  
10 license, including the specific categories of disqualifying offenses  
11 and any criteria related to the age and severity of the disqualifying  
12 offenses.

13 (5) The criteria applied by the board to determine whether an  
14 applicant has been sufficiently rehabilitated, including an analysis  
15 of the factors that most often lead to a determination of  
16 rehabilitation resulting in licensing.

17 (6) The average length of time that an appeal was pending  
18 relative to the date of the hearing request and final decision.

19 (7) The number and percentage of appeals pending longer than  
20 30 days and longer than 100 days from the time the applicant  
21 requested the hearing.

22 SEC. 5. Section 4521.1 of the Business and Professions Code  
23 is amended to read:

24 4521.1. (a) The board may issue an initial license on probation,  
25 with specific terms and conditions, to any applicant who has  
26 violated any term of this chapter, but who has met all other  
27 requirements for licensure and who has successfully completed  
28 the examination for licensure within four years of the date of  
29 issuance of the initial license.

30 (b) Specific terms and conditions may include, but are not  
31 limited to, the following:

32 (1) Continuing medical, psychiatric, or psychological treatment.

33 (2) Ongoing participation in a specified rehabilitation program.

34 (3) Abstention from the use of alcohol or drugs.

35 (4) Compliance with all provisions of this chapter.

36 (c) (1) Notwithstanding any other provision of law, and for  
37 purposes of this section, when deciding whether to issue a  
38 probationary license, the board shall request that an applicant with  
39 a dismissed conviction provide proof of that dismissal and

1 shall give special consideration to applicants whose convictions  
2 have been dismissed pursuant to Section 1203.4 or 1203.4a of the  
3 Penal Code.

4 (2) The board shall also take into account and consider any other  
5 reasonable documents or individual character references provided  
6 by the applicant that may serve as evidence of rehabilitation as  
7 deemed appropriate by the board.

8 (d) The board may modify or terminate the terms and conditions  
9 imposed on the probationary license upon receipt of a petition  
10 from the applicant or licensee.

11 (e) For purposes of issuing a probationary license to qualified  
12 new applicants, the board shall develop standard terms of probation  
13 that shall include, but not be limited to, the following:

14 (1) A three-year limit on the individual probationary license.

15 (2) A process to obtain a standard license for applicants who  
16 were issued a probationary license.

17 (3) Supervision requirements.

18 (4) Compliance and quarterly reporting requirements.

19 SEC. 6. Section 4522 is added to the Business and Professions  
20 Code, to read:

21 4522. (a) Notwithstanding Section 4521 or any other provision  
22 of law, the board may revoke, suspend, or deny at any time a  
23 license under this chapter on any of the grounds for disciplinary  
24 action provided in this chapter. The proceedings under this section  
25 shall be conducted in accordance with Chapter 5 (commencing  
26 with Section 11500) of Part 1 of Division 3 of Title 2 of the  
27 Government Code, and the board shall have all the powers granted  
28 therein.

29 (b) The board may deny a license to an applicant on any of the  
30 grounds specified in Section 480.

31 (c) In addition to the requirements provided in Sections 485 and  
32 486, upon denial of an application for a license, the board shall  
33 provide a statement of reasons for the denial that does the  
34 following:

35 (1) Evaluates evidence of rehabilitation submitted by the  
36 applicant, if any.

37 (2) Provides the board's criteria relating to rehabilitation,  
38 formulated pursuant to Section 482, that takes into account the age  
39 and severity of the offense, and the evidence relating to  
40 participation in treatment or other rehabilitation programs.

1 (3) If the board's decision was based on the applicant's prior  
2 criminal conviction, justifies the board's denial of a license and  
3 conveys the reasons why the prior criminal conviction is  
4 substantially related to the qualifications, functions, or duties of a  
5 licensed psychiatric technician.

6 (d) (1) If the denial of a license is due at least in part to the  
7 applicant's state or federal criminal history record, the board shall  
8 include with the information provided pursuant to paragraph (3)  
9 of subdivision (c) a copy of the applicant's criminal history record.

10 (A) The state or federal criminal history record shall not be  
11 modified or altered from its form or content as provided by the  
12 Department of Justice.

13 (B) The criminal history record shall be provided in such a  
14 manner as to protect the confidentiality and privacy of the  
15 applicant's criminal history record and the criminal history record  
16 shall not be made available by the board to any employer.

17 (C) The board shall record and maintain the name of the  
18 applicant, the applicant's address, and the date the criminal history  
19 record was provided by the board to the applicant pursuant to this  
20 section.

21 (2) The board shall make that information available upon request  
22 by the Department of Justice or the Federal Bureau of Investigation.

23 (e) Notwithstanding Section 487, the board shall conduct a  
24 hearing of a license denial within 90 days of receiving an  
25 applicant's request for a hearing. For all other hearing requests,  
26 the board shall determine when the hearing shall be conducted.

27 (f) In any case in which the administrative law judge  
28 recommends that the board revoke, suspend, or deny a license, the  
29 administrative law judge may, upon presentation of suitable proof,  
30 order the licensee to pay the board the reasonable costs of the  
31 investigation and adjudication of the case. For purposes of this  
32 section, "costs" include any charges by the board for investigating  
33 the case, any charges incurred by the office of the Attorney General  
34 for investigating and presenting the case, and any charges incurred  
35 by the Office of Administrative Hearings for hearing the case and  
36 issuing a proposed decision.

37 (g) The costs to be assessed shall be fixed by the administrative  
38 law judge and shall not, in any event, be increased by the board.  
39 When the board does not adopt a proposed decision and remands  
40 the case to an administrative law judge, the administrative law

1 judge shall not increase the amount of any costs assessed in the  
2 proposed decision.

3 (h) The board may enforce the order for payment in the superior  
4 court in the county where the administrative hearing was held.  
5 This right of enforcement shall be in addition to any other rights  
6 the board may have as to any licensee directed to pay costs.

7 (i) In any judicial action for the recovery of costs, proof of the  
8 board's decision shall be conclusive proof of the validity of the  
9 order of payment and the terms for payment.

10 (j) Notwithstanding any other provision of law, all costs  
11 recovered by the board under this section shall be deposited in the  
12 Vocational Nursing and Psychiatric Technicians Fund as a  
13 scheduled reimbursement in the fiscal year in which the costs are  
14 actually recovered.

15 SEC. 7. Section 4808.5 is added to the Business and Professions  
16 Code, to read:

17 4808.5. (a) The board shall study the effects of current law,  
18 regulations, and policy related to the registration functions of the  
19 board that may create unnecessary barriers to employing people  
20 with criminal records as registered veterinary technicians. The  
21 objective of the study shall be to identify changes in law or board  
22 policy to help remove unnecessary barriers to registration due to  
23 criminal records while protecting the safety and security of animals  
24 and the integrity of the practice of registered veterinary technicians.  
25 The board shall report all of its findings to the Legislature on or  
26 before September 1, 2010.

27 (b) For each of the calendar years 2003, 2004, 2005, 2006, and  
28 2007, the study shall provide the following information:

- 29 (1) The total number of applicants.  
30 (2) The number of applicants who were denied registration.  
31 (3) The number of applicants who disclosed a criminal record  
32 on their application. Of those applicants:  
33 (A) The number of applicants who were denied registration.  
34 (B) The number of applicants who were denied registration who  
35 requested a hearing to appeal the decision.  
36 (C) The number of applicants whose appeal resulted in reversal  
37 or modification of the decision, including the issuance of a  
38 probationary ~~license~~ *registration*.  
39 (D) The age and severity of each offense.  
40 (E) The number of applicants with nonviolent drug offenses.

1 (F) The number of applicants with misdemeanor offenses.

2 (G) The number of applicants that were asked by the board to  
3 supply additional information relating to their criminal record.

4 (H) The number of applicants who provided evidence of  
5 rehabilitation.

6 (4) The criteria applied by the board to determine whether an  
7 applicant's criminal record is substantially related to the requested  
8 registration, including the specific categories of disqualifying  
9 offenses and any criteria related to the age and severity of the  
10 disqualifying offenses.

11 (5) The criteria applied by the board to determine whether an  
12 applicant has been sufficiently rehabilitated, including an analysis  
13 of the factors that most often lead to a determination of  
14 rehabilitation resulting in licensing.

15 (6) The average length of time that an appeal was pending  
16 relative to the date of the hearing request and final decision.

17 (7) The number and percentage of appeals pending longer than  
18 30 days and longer than 100 days from the time the applicant  
19 requested the hearing.

20 SEC. 8. Section 4845 is added to the Business and Professions  
21 Code, to read:

22 4845. (a) Notwithstanding any other provision of law, the  
23 board may, in its sole discretion, issue a probationary registration  
24 to an applicant subject to terms and conditions deemed appropriate  
25 by the board, including, but not limited to, the following:

26 (1) Continuing medical, psychiatric, or psychological treatment.

27 (2) Ongoing participation in a specified rehabilitation program.

28 (3) Abstention from the use of alcohol or drugs.

29 (4) Compliance with all provisions of this chapter.

30 (b) (1) Notwithstanding any other provision of law, and for  
31 purposes of this section, when deciding whether to issue a  
32 probationary registration, the board shall request that an applicant  
33 with a dismissed conviction provide proof of that dismissal and  
34 shall give special consideration to applicants whose convictions  
35 have been dismissed pursuant to Section 1203.4 or 1203.4a of the  
36 Penal Code.

37 (2) The board shall also take into account and consider any other  
38 reasonable documents or individual character references provided  
39 by the applicant that may serve as evidence of rehabilitation as  
40 deemed appropriate by the board.

1 (c) The board may modify or terminate the terms and conditions  
2 imposed on the probationary registration upon receipt of a petition  
3 from the applicant or registrant.

4 (d) For purposes of issuing a probationary license to qualified  
5 new applicants, the board shall develop standard terms of probation  
6 that shall include, but not be limited to, the following:

7 (1) A three-year limit on the individual probationary ~~license~~  
8 *registration*.

9 (2) A process to obtain a standard ~~license~~ *registration* for  
10 applicants who were issued a probationary ~~license~~ *registration*.

11 (3) Supervision requirements.

12 (4) Compliance and quarterly reporting requirements.

13 SEC. 9. Section ~~4846~~ 4845.5 is added to the Business and  
14 Professions Code, to read:

15 ~~4846.~~

16 4845.5. (a) Notwithstanding Sections 4837 and 4842.6 or any  
17 other provision of law, the board may revoke, suspend, or deny at  
18 any time a registration under this article on any of the grounds for  
19 disciplinary action provided in this article. The proceedings under  
20 this section shall be conducted in accordance with Chapter 5  
21 (commencing with Section 11500) of Part 1 of Division 3 of Title  
22 2 of the Government Code, and the board shall have all the powers  
23 granted therein.

24 (b) The board may deny a registration to an applicant on any of  
25 the grounds specified in Section 480.

26 (c) In addition to the requirements provided in Sections 485 and  
27 486, upon denial of an application for registration, the board shall  
28 provide a statement of reasons for the denial that does the  
29 following:

30 (1) Evaluates evidence of rehabilitation submitted by the  
31 applicant, if any.

32 (2) Provides the board's criteria relating to rehabilitation,  
33 formulated pursuant to Section 482, that takes into account the age  
34 and severity of the offense, and the evidence relating to  
35 participation in treatment or other rehabilitation programs.

36 (3) If the board's decision was based on the applicant's prior  
37 criminal conviction, justifies the board's denial of a ~~license~~  
38 *registration* and conveys the reasons why the prior criminal  
39 conviction is substantially related to the qualifications, functions,  
40 or duties of a registered veterinary technician.

(d) (1) If the denial of a ~~license~~ *registration* is due at least in part to the applicant's state or federal criminal history record, the board shall include with the information provided pursuant to paragraph (3) of subdivision (c) a copy of the applicant's criminal history record.

(A) The state or federal criminal history record shall not be modified or altered from its form or content as provided by the Department of Justice.

(B) The criminal history record shall be provided in such a manner as to protect the confidentiality and privacy of the applicant's criminal history record and the criminal history record shall not be made available by the board to any employer.

(C) The board shall record and maintain the name of the applicant, the applicant's address, and the date the criminal history record was provided by the board to the applicant pursuant to this section.

(2) The board shall make that information available upon request by the Department of Justice or the Federal Bureau of Investigation.

(e) Notwithstanding Section 487, the board shall conduct a hearing of a registration denial within 90 days of receiving an applicant's request for a hearing. For all other hearing requests, the board shall determine when the hearing shall be conducted.

(f) In any case in which the administrative law judge recommends that the board revoke, suspend, or deny a registration, the administrative law judge may, upon presentation of suitable proof, order the registrant to pay the board the reasonable costs of the investigation and adjudication of the case. For purposes of this section, "costs" include any charges by the board for investigating the case, any charges incurred by the office of the Attorney General for investigating and presenting the case, and any charges incurred by the Office of Administrative Hearings for hearing the case and issuing a proposed decision.

(g) The costs to be assessed shall be fixed by the administrative law judge and shall not, in any event, be increased by the board. When the board does not adopt a proposed decision and remands the case to an administrative law judge, the administrative law judge shall not increase the amount of any costs assessed in the proposed decision.

(h) The board may enforce the order for payment in the superior court in the county where the administrative hearing was held.

1 This right of enforcement shall be in addition to any other rights  
2 the board may have as to any registrant directed to pay costs.

3 (i) In any judicial action for the recovery of costs, proof of the  
4 board's decision shall be conclusive proof of the validity of the  
5 order of payment and the terms for payment.

6 (j) Notwithstanding any other provision of law, all costs  
7 recovered by the board under this section shall be deposited in the  
8 Veterinary Medical Board Contingent Fund as a scheduled  
9 reimbursement in the fiscal year in which the costs are actually  
10 recovered.

11 *SEC. 10. Section 7396.5 of the Business and Professions Code*  
12 *is amended to read:*

13 7396.5. (a) ~~The~~ *Notwithstanding any other provision of law,*  
14 *the board may, in its sole discretion, issue a probationary license*  
15 *to an applicant subject to terms and conditions deemed appropriate*  
16 *by the board, including, but not limited to, the following:*

17 (1) Continuing medical, psychiatric, or psychological treatment.

18 (2) Ongoing participation in a specified rehabilitation program.

19 (3) Abstention from the use of alcohol or drugs.

20 (4) Compliance with all provisions of this chapter.

21 (b) (1) *Notwithstanding any other provision of law, and for*  
22 *purposes of this section, when deciding whether to issue a*  
23 *probationary license, the board shall request that an applicant*  
24 *with a dismissed conviction provide proof of that dismissal and*  
25 *shall give special consideration to applicants whose convictions*  
26 *have been dismissed pursuant to Section 1203.4 or 1203.4a of the*  
27 *Penal Code.*

28 (2) *The board shall also take into account and consider any*  
29 *other reasonable documents or individual character references*  
30 *provided by the applicant that may serve as evidence of*  
31 *rehabilitation as deemed appropriate by the board.*

32 ~~(b)~~

33 (c) The board may modify or terminate the terms and conditions  
34 imposed on the probationary license upon receipt of a petition  
35 from the applicant or licensee.

36 (d) *For purposes of issuing a probationary license to qualified*  
37 *new applicants, the board shall develop standard terms of*  
38 *probation that shall include, but not be limited to, the following:*

39 (1) *A three-year limit on the individual probationary license.*

1     (2) *A process to obtain a standard license for applicants who*  
2 *were issued a probationary license.*

3     (3) *Supervision requirements.*

4     (4) *Compliance and quarterly reporting requirements.*

5     SEC. 11. *Section 7403 of the Business and Professions Code*  
6 *is amended to read:*

7     7403. (a) ~~The~~ *Notwithstanding any other provision of law, the*  
8 *board may revoke, suspend, or deny at any time any license*  
9 *required by this chapter on any of the grounds for disciplinary*  
10 *action provided in this article. The proceedings under this article*  
11 *shall be conducted in accordance with Chapter 5 (commencing*  
12 *with Section 11500) of Part 1 of Division 3 of Title 2 of the*  
13 *Government Code, and the board shall have all the powers granted*  
14 *therein.*

15     (b) *The board may deny a license to an applicant on any of the*  
16 *grounds specified in Section 480.*

17     (c) *In addition to the requirements provided in Sections 485 and*  
18 *486, upon denying a license to an applicant, the board shall provide*  
19 *a statement of reasons for the denial that does the following:*

20         (1) *Evaluates evidence of rehabilitation submitted by the*  
21 *applicant, if any.*

22         (2) *Provides the board's criteria relating to rehabilitation,*  
23 *formulated pursuant to Section 482, that takes into account the age*  
24 *and severity of the offense, and the evidence relating to*  
25 *participation in treatment or other rehabilitation programs.*

26         (3) *If the board's decision was based on the applicant's prior*  
27 *criminal conviction, justifies the board's denial of a license and*  
28 *conveys the reasons why the prior criminal conviction is*  
29 *substantially related to the qualifications, functions, or duties of*  
30 *a barber or cosmetologist.*

31     (d) (1) *If the denial of a license is due at least in part to the*  
32 *applicant's state or federal criminal history record, the board*  
33 *shall include with the information provided pursuant to paragraph*  
34 *(3) of subdivision (c) a copy of the applicant's criminal history*  
35 *record.*

36         (A) *The state or federal criminal history record shall not be*  
37 *modified or altered from its form or content as provided by the*  
38 *Department of Justice.*

39         (B) *The criminal history record shall be provided in such a*  
40 *manner as to protect the confidentiality and privacy of the*

1 *applicant's criminal history record and the criminal history record*  
2 *shall not be made available by the board to any employer.*

3 *(C) The board shall record and maintain the name of the*  
4 *applicant, the applicant's address, and the date the criminal history*  
5 *record was provided by the board to the applicant pursuant to this*  
6 *section.*

7 *(2) The board shall make this information available upon*  
8 *request by the Department of Justice or the Federal Bureau of*  
9 *Investigation.*

10 ~~(d)~~

11 *(e) Notwithstanding Section 487, the board shall conduct a*  
12 *hearing of a license denial within 90 days of receiving an*  
13 *applicant's request for a hearing. For all other hearing requests,*  
14 *the board shall determine when the hearing shall be conducted.*

15 ~~(e)~~

16 *(f) In any case in which the administrative law judge*  
17 *recommends that the board revoke, suspend or deny a license, the*  
18 *administrative law judge may, upon presentation of suitable proof,*  
19 *order the licensee to pay the board the reasonable costs of the*  
20 *investigation and adjudication of the case. For purposes of this*  
21 *section, "costs" include charges by the board for investigating the*  
22 *case, charges incurred by the office of the Attorney General for*  
23 *investigating and presenting the case, and charges incurred by the*  
24 *Office of Administrative Hearings for hearing the case and issuing*  
25 *a proposed decision.*

26 ~~(f)~~

27 *(g) The costs to be assessed shall be fixed by the administrative*  
28 *law judge and shall not, in any event, be increased by the board.*  
29 *When the board does not adopt a proposed decision and remands*  
30 *the case to an administrative law judge, the administrative law*  
31 *judge shall not increase the amount of any costs assessed in the*  
32 *proposed decision.*

33 ~~(g)~~

34 *(h) The board may enforce the order for payment in the superior*  
35 *court in the county where the administrative hearing was held.*  
36 *This right of enforcement shall be in addition to any other rights*  
37 *the board may have as to any licensee directed to pay costs.*

38 ~~(h)~~

(i) In any judicial action for the recovery of costs, proof of the board's decision shall be conclusive proof of the validity of the order of payment and the terms for payment.

(i)

(j) Notwithstanding any other provision of law, all costs recovered under this section shall be deposited in the board's contingent fund as a scheduled reimbursement in the fiscal year in which the costs are actually recovered.

~~SEC. 10.~~

*SEC. 12.* Section 7516 is added to the Business and Professions Code, to read:

7516. (a) The director shall study the effects of current law, regulations, and policy related to the licensing functions of the director that may create unnecessary barriers to employing people with criminal records as licensed private investigators. The objective of the study shall be to identify changes in law or the director's policy to help remove unnecessary barriers to licensure due to criminal records while protecting the safety and security of customers and the integrity of the private investigation business. The director shall report all of his or her findings to the Legislature on or before September 1, 2010.

(b) For each of the calendar years 2003, 2004, 2005, 2006, and 2007, the study shall provide the following information:

(1) The total number of applicants.

(2) The number of applicants who were denied ~~registration a~~ license.

(3) The number of applicants who disclosed a criminal record on their application. Of those applicants:

(A) The number of applicants who were denied licensure.

(B) The number of applicants who were denied licensure who requested a hearing to appeal the decision.

(C) The number of applicants whose appeal resulted in reversal or modification of the decision, including the issuance of a probationary license.

(D) The age and severity of each offense.

(E) The number of applicants with nonviolent drug offenses.

(F) The number of applicants with misdemeanor offenses.

(G) The number of applicants that were asked by the director to supply additional information relating to their criminal record.

1 (H) The number of applicants who provided evidence of  
2 rehabilitation.

3 (4) The criteria applied by the director to determine whether an  
4 applicant's criminal record is substantially related to the requested  
5 license, including the specific categories of disqualifying offenses  
6 and any criteria related to the age and severity of the disqualifying  
7 offenses.

8 (5) The criteria applied by the director to determine whether an  
9 applicant has been sufficiently rehabilitated, including an analysis  
10 of the factors that most often lead to a determination of  
11 rehabilitation resulting in licensure.

12 (6) The average length of time that an appeal was pending  
13 relative to the date of the hearing request and final decision.

14 (7) The number and percentage of appeals pending longer than  
15 30 days and longer than 100 days from the time the applicant  
16 requested the hearing.

17 ~~SEC. 11.~~

18 *SEC. 13.* Section 7526.1 is added to the Business and  
19 Professions Code, to read:

20 7526.1. (a) Notwithstanding any other provision of law, the  
21 ~~board may, in its sole discretion, issue a probationary license to~~  
22 *director may, in his or her sole discretion, grant a probationary*  
23 *license to* an applicant subject to terms and conditions deemed  
24 appropriate by the director, including, but not limited to, the  
25 following:

26 (1) Continuing medical, psychiatric, or psychological treatment.

27 (2) Ongoing participation in a specified rehabilitation program.

28 (3) Abstention from the use of alcohol or drugs.

29 (4) Compliance with all provisions of this chapter.

30 (b) (1) Notwithstanding any other provision of law, and for  
31 purposes of this section, when deciding whether to ~~issue~~ *grant* a  
32 probationary license, the director shall request that an applicant  
33 with a dismissed conviction provide proof of that dismissal and  
34 shall give special consideration to applicants whose convictions  
35 have been dismissed pursuant to Section 1203.4 or 1203.4a of the  
36 Penal Code.

37 (2) The director shall also take into account and consider any  
38 other reasonable documents or individual character references  
39 provided by the applicant that may serve as evidence of  
40 rehabilitation as deemed appropriate by the ~~board~~ *director*.

1 (c) The director may modify or terminate the terms and  
2 conditions imposed on the probationary ~~registration~~ *license* upon  
3 receipt of a petition from the applicant or licensee.

4 (d) For purposes of ~~issuing~~ *granting* a probationary license to  
5 qualified new applicants ~~the board~~, *the director* shall develop  
6 standard terms of probation that shall include, but not be limited  
7 to, the following:

8 (1) A three-year limit on the individual probationary license.

9 (2) A process to obtain a standard license for applicants who  
10 were issued a probationary license.

11 (3) Supervision requirements.

12 (4) Compliance and quarterly reporting requirements.

13 ~~SEC. 12.~~

14 *SEC. 14.* Section 7564.1 is added to the Business and  
15 Professions Code, to read:

16 7564.1. (a) Notwithstanding Sections 7561.1 and 7561.4 or  
17 any other provision of law, the director may revoke, suspend, or  
18 deny at any time a license under this chapter on any of the grounds  
19 for disciplinary action provided in this chapter. The proceedings  
20 under this section shall be conducted in accordance with Chapter  
21 5 (commencing with Section 11500) of Part 1 of Division 3 of  
22 Title 2 of the Government Code, and the ~~board~~ *director* shall have  
23 all the powers granted therein.

24 (b) The director may deny a license to an applicant on any of  
25 the grounds specified in Section 480.

26 (c) In addition to the requirements provided in Sections 485 and  
27 486, upon denial of an application for a license, the director shall  
28 provide a statement of reasons for the denial that does the  
29 following:

30 (1) Evaluates evidence of rehabilitation submitted by the  
31 applicant, if any.

32 (2) Provides the director's criteria relating to rehabilitation,  
33 formulated pursuant to Section 482, that takes into account the age  
34 and severity of the offense, and the evidence relating to  
35 participation in treatment or other rehabilitation programs.

36 (3) If the director's decision was based on the applicant's prior  
37 criminal conviction, justifies the director's denial of a license and  
38 conveys the reasons why the prior criminal conviction is  
39 substantially related to the qualifications, functions, or duties of a  
40 licensed private investigator.

1 (d) (1) If the denial of a license is due at least in part to the  
2 applicant's state or federal criminal history record, the ~~board~~  
3 *director* shall include with the information provided pursuant to  
4 paragraph (3) of subdivision (c) a copy of the applicant's criminal  
5 history record.

6 (A) The state or federal criminal history record shall not be  
7 modified or altered from its form or content as provided by the  
8 Department of Justice.

9 (B) The criminal history record shall be provided in such a  
10 manner as to protect the confidentiality and privacy of the  
11 applicant's criminal history record and the criminal history record  
12 shall not be made available by the ~~board~~ *director* to any employer.

13 (C) The ~~board~~ *director* shall record and maintain the name of  
14 the applicant, the applicant's address, and the date the criminal  
15 history record was provided by the ~~board~~ *director* to the applicant  
16 pursuant to this section.

17 (2) The ~~board~~ *director* shall make that information available  
18 upon request by the Department of Justice or the Federal Bureau  
19 of Investigation.

20 (e) Notwithstanding Section 487, the director shall conduct a  
21 hearing of a license denial within 90 days of receiving an  
22 applicant's request for a hearing. For all other hearing requests,  
23 the director shall determine when the hearing shall be conducted.

24 (f) In any case in which the administrative law judge  
25 recommends that the ~~board~~ *director* revoke, suspend, or deny a  
26 license, the administrative law judge may, upon presentation of  
27 suitable proof, order the licensee to pay the ~~board~~ *director* the  
28 reasonable costs of the investigation and adjudication of the case.  
29 For purposes of this section, "costs" include any charges by the  
30 ~~board~~ *director* for investigating the case, any charges incurred by  
31 the office of the Attorney General for investigating and presenting  
32 the case, and any charges incurred by the Office of Administrative  
33 Hearings for hearing the case and issuing a proposed decision.

34 (g) The costs to be assessed shall be fixed by the administrative  
35 law judge and shall not, in any event, be increased by the ~~board~~  
36 *director*. When the ~~board~~ *director* does not adopt a proposed  
37 decision and remands the case to an administrative law judge, the  
38 administrative law judge shall not increase the amount of any costs  
39 assessed in the proposed decision.

(h) The director may enforce the order for payment in the superior court in the county where the administrative hearing was held. This right of enforcement shall be in addition to any other rights the ~~board~~ director may have as to any licensee directed to pay costs.

(i) In any judicial action for the recovery of costs, proof of the ~~board's~~ director's decision shall be conclusive proof of the validity of the order of payment and the terms for payment.

(j) Notwithstanding any other provision of law, all costs recovered by the ~~board~~ director under this section shall be deposited in the Private Investigator Fund as a scheduled reimbursement in the fiscal year in which the costs are actually recovered.

~~SEC. 13.~~

SEC. 15. Section 8524.5 is added to the Business and Professions Code, to read:

8524.5. (a) The board shall study the effects of current law, regulations, and policy related to the licensing functions of the board that may create unnecessary barriers to employing people with criminal records as licensed structural pest control operators. The objective of the study shall be to identify changes in law or board policy to help remove unnecessary barriers to licensing due to criminal records while protecting the safety and security of the public and the integrity of the practice of structural pest control. The board shall report all of its findings to the Legislature on or before September 1, 2010.

(b) For each of the calendar years 2003, 2004, 2005, 2006, and 2007, the study shall provide the following information:

- (1) The total number of applicants.
- (2) The number of applicants who were denied licensure.
- (3) The number of applicants who disclosed a criminal record on their application. Of those applicants:
  - (A) The number of applicants who were denied licensure.
  - (B) The number of applicants who were denied licensure who requested a hearing to appeal the decision.
  - (C) The number of applicants whose appeal resulted in reversal or modification of the decision, including the issuance of a probationary license.
  - (D) The age and severity of each offense.
  - (E) The number of applicants with nonviolent drug offenses.

1 (F) The number of applicants with misdemeanor offenses.

2 (G) The number of applicants that were asked by the board to  
3 supply additional information relating to their criminal record.

4 (H) The number of applicants who provided evidence of  
5 rehabilitation.

6 (4) The criteria applied by the board to determine whether an  
7 applicant's criminal record is substantially related to the requested  
8 license, including the specific categories of disqualifying offenses  
9 and any criteria related to the age and severity of the disqualifying  
10 offenses.

11 (5) The criteria applied by the board to determine whether an  
12 applicant has been sufficiently rehabilitated, including an analysis  
13 of the factors that most often lead to a determination of  
14 rehabilitation resulting in licensing.

15 (6) The average length of time that an appeal was pending  
16 relative to the date of the hearing request and final decision.

17 (7) The number and percentage of appeals pending longer than  
18 30 days and longer than 100 days from the time the applicant  
19 requested the hearing.

20 ~~SEC. 14.~~

21 *SEC. 16.* Section 8572 is added to the Business and Professions  
22 Code, to read:

23 8572. (a) Notwithstanding any other provision of law, the  
24 board may, in its sole discretion, issue a probationary license to  
25 an applicant subject to terms and conditions deemed appropriate  
26 by the board, including, but not limited to, the following:

27 (1) Continuing medical, psychiatric, or psychological treatment.

28 (2) Ongoing participation in a specified rehabilitation program.

29 (3) Abstention from the use of alcohol or drugs.

30 (4) Compliance with all provisions of this chapter.

31 (b) (1) Notwithstanding any other provision of law, and for  
32 purposes of this section, when deciding whether to issue a  
33 probationary license, the board shall request that an applicant with  
34 a dismissed conviction provide proof of that dismissal and shall  
35 give special consideration to applicants whose convictions have  
36 been dismissed pursuant to Section 1203.4 or 1203.4a of the Penal  
37 Code.

38 (2) The board shall also take into account and consider any other  
39 reasonable documents or individual character references provided

1 by the applicant that may serve as evidence of rehabilitation as  
2 deemed appropriate by the board.

3 (c) The board may modify or terminate the terms and conditions  
4 imposed on the probationary license upon receipt of a petition  
5 from the applicant or licensee.

6 (d) For purposes of issuing a probationary license to qualified  
7 new applicants, the board shall develop standard terms of probation  
8 that shall include, but not be limited to, the following:

9 (1) A three-year limit on the individual probationary license.

10 (2) A process to obtain a standard license for applicants who  
11 were issued a probationary license.

12 (3) Supervision requirements.

13 (4) Compliance and quarterly reporting requirements.

14 ~~SEC. 15.~~

15 *SEC. 17.* Section 8623 is added to the Business and Professions  
16 Code, to read:

17 8623. (a) Notwithstanding Section 8620 or any other provision  
18 of law, the board may revoke, suspend, or deny at any time a  
19 license under this chapter on any of the grounds for disciplinary  
20 action provided in this chapter. The proceedings under this section  
21 shall be conducted in accordance with Chapter 5 (commencing  
22 with Section 11500) of Part 1 of Division 3 of Title 2 of the  
23 Government Code, and the board shall have all the powers granted  
24 therein.

25 (b) The board may deny a license to an applicant on any of the  
26 grounds specified in Section 480.

27 (c) In addition to the requirements provided in Sections 485 and  
28 486, upon denial of an application for a license, the board shall  
29 provide a statement of reasons for the denial that does the  
30 following:

31 (1) Evaluates evidence of rehabilitation submitted by the  
32 applicant, if any.

33 (2) Provides the board's criteria relating to rehabilitation,  
34 formulated pursuant to Section 482, that takes into account the age  
35 and severity of the offense, and the evidence relating to  
36 participation in treatment or other rehabilitation programs.

37 (3) If the board's decision was based on the applicant's prior  
38 criminal conviction, justifies the board's denial of a license and  
39 conveys the reasons why the prior criminal conviction is

1 substantially related to the qualifications, functions, or duties of a  
2 licensed structural pest control operator.

3 (d) (1) If the denial of a license is due at least in part to the  
4 applicant's state or federal criminal history record, the board shall  
5 include with the information provided pursuant to paragraph (3)  
6 of subdivision (c) a copy of the applicant's criminal history record.

7 (A) The state or federal criminal history record shall not be  
8 modified or altered from its form or content as provided by the  
9 Department of Justice.

10 (B) The criminal history record shall be provided in such a  
11 manner as to protect the confidentiality and privacy of the  
12 applicant's criminal history record and the criminal history record  
13 shall not be made available by the board to any employer.

14 (C) The board shall record and maintain the name of the  
15 applicant, the applicant's address, and the date the criminal history  
16 record was provided by the board to the applicant pursuant to this  
17 section.

18 (2) The board shall make that information available upon request  
19 by the Department of Justice or the Federal Bureau of Investigation.

20 (e) Notwithstanding Section 487, the board shall conduct a  
21 hearing of a license denial within 90 days of receiving an  
22 applicant's request for a hearing. For all other hearing requests,  
23 the board shall determine when the hearing shall be conducted.

24 (f) In any case in which the administrative law judge  
25 recommends that the board revoke, suspend, or deny a license, the  
26 administrative law judge may, upon presentation of suitable proof,  
27 order the licensee to pay the board the reasonable costs of the  
28 investigation and adjudication of the case. For purposes of this  
29 section, "costs" include any charges by the board for investigating  
30 the case, any charges incurred by the office of the Attorney General  
31 for investigating and presenting the case, and any charges incurred  
32 by the Office of Administrative Hearings for hearing the case and  
33 issuing a proposed decision.

34 (g) The costs to be assessed shall be fixed by the administrative  
35 law judge and shall not, in any event, be increased by the board.  
36 When the board does not adopt a proposed decision and remands  
37 the case to an administrative law judge, the administrative law  
38 judge shall not increase the amount of any costs assessed in the  
39 proposed decision.

(h) The board may enforce the order for payment in the superior court in the county where the administrative hearing was held. This right of enforcement shall be in addition to any other rights the board may have as to any licensee directed to pay costs.

(i) In any judicial action for the recovery of costs, proof of the board's decision shall be conclusive proof of the validity of the order of payment and the terms for payment.

(j) Notwithstanding any other provision of law, all costs recovered by the board under this section shall be deposited in the Structural Pest Control Fund as a scheduled reimbursement in the fiscal year in which the costs are actually recovered.

~~SEC. 16.~~

*SEC. 18.* Section 9882.6 is added to the Business and Professions Code, to read:

9882.6. (a) The director shall study the effects of current law, regulations, and policy related to the registration functions of the director that may create unnecessary barriers to employing people with criminal records as registered automotive repair dealers. The objective of the study shall be to identify changes in law or the director's policy to help remove unnecessary barriers to registration due to criminal records while protecting the safety and security of customers and the integrity of the automotive repair business. The director shall report all of his or her findings to the Legislature on or before September 1, 2010.

(b) For each of the calendar years 2003, 2004, 2005, 2006, and 2007, the study shall provide the following information:

- (1) The total number of applicants.
- (2) The number of applicants who were denied registration.
- (3) The number of applicants who disclosed a criminal record on their application. Of those applicants:
  - (A) The number of applicants who were denied registration.
  - (B) The number of applicants who were denied registration who requested a hearing to appeal the decision.
  - (C) The number of applicants whose appeal resulted in reversal or modification of the decision, including the issuance of a probationary registration.
  - (D) The age and severity of each offense.
  - (E) The number of applicants with nonviolent drug offenses.
  - (F) The number of applicants with misdemeanor offenses.

1 (G) The number of applicants that were asked by the director  
2 to supply additional information relating to their criminal record.

3 (H) The number of applicants who provided evidence of  
4 rehabilitation.

5 (4) The criteria applied by the director to determine whether an  
6 applicant's criminal record is substantially related to the requested  
7 registration, including the specific categories of disqualifying  
8 offenses and any criteria related to the age and severity of the  
9 disqualifying offenses.

10 (5) The criteria applied by the director to determine whether an  
11 applicant has been sufficiently rehabilitated, including an analysis  
12 of the factors that most often lead to a determination of  
13 rehabilitation resulting in licensing.

14 (6) The average length of time that an appeal was pending  
15 relative to the date of the hearing request and final decision.

16 (7) The number and percentage of appeals pending longer than  
17 30 days and longer than 100 days from the time the applicant  
18 requested the hearing.

19 ~~SEC. 17.~~

20 *SEC. 19.* Section 9884.21 is added to the Business and  
21 Professions Code, to read:

22 9884.21. (a) Notwithstanding any other provision of law, the  
23 director may, in his or her sole discretion, issue a probationary  
24 registration to an applicant subject to terms and conditions deemed  
25 appropriate by the director, including, but not limited to, the  
26 following:

27 (1) Continuing medical, psychiatric, or psychological treatment.

28 (2) Ongoing participation in a specified rehabilitation program.

29 (3) Abstention from the use of alcohol or drugs.

30 (4) Compliance with all provisions of this chapter.

31 (b) (1) Notwithstanding any other provision of law, and for  
32 purposes of this section, when deciding whether to issue a  
33 probationary registration, the director shall request that an applicant  
34 with a dismissed conviction provide proof of that dismissal and

35 shall give special consideration to applicants whose convictions  
36 have been dismissed pursuant to Section 1203.4 or 1203.4a of the  
37 Penal Code.

38 (2) The director shall also take into account and consider any  
39 other reasonable documents or individual character references

1 provided by the applicant that may serve as evidence of  
2 rehabilitation as deemed appropriate by the ~~board~~ director.

3 (c) The director may modify or terminate the terms and  
4 conditions imposed on the probationary registration upon receipt  
5 of a petition from the applicant or registrant.

6 (d) For purposes of issuing a probationary ~~license~~ *registration*  
7 to qualified new applicants, the director shall develop standard  
8 terms of probation that shall include, but not be limited to, the  
9 following:

10 (1) A three-year limit on the individual probationary ~~license~~  
11 *registration*.

12 (2) A process to obtain a standard ~~license~~ *registration* for  
13 applicants who were issued a probationary ~~license~~ *registration*.

14 (3) Supervision requirements.

15 (4) Compliance and quarterly reporting requirements.

16 ~~SEC. 18.~~

17 *SEC. 20.* Section 9884.22 is added to the Business and  
18 Professions Code, to read:

19 9884.22. (a) Notwithstanding any other provision of law, the  
20 director may revoke, suspend, or deny at any time any registration  
21 required by this article on any of the grounds for disciplinary action  
22 provided in this article. The proceedings under this article shall be  
23 conducted in accordance with Chapter 5 (commencing with Section  
24 11500) of Part 1 of Division 3 of Title 2 of the Government Code,  
25 and the director shall have all the powers granted therein.

26 (b) The director may deny a registration to an applicant on any  
27 of the grounds specified in Section 480.

28 (c) In addition to the requirements provided in Sections 485 and  
29 486, upon denial of an application for registration to an applicant,  
30 the director shall provide a statement of reasons for the denial that  
31 does the following:

32 (1) Evaluates evidence of rehabilitation submitted by the  
33 applicant, if any.

34 (2) Provides the director's criteria relating to rehabilitation,  
35 formulated pursuant to Section 482, that takes into account the age  
36 and severity of the offense, and the evidence relating to  
37 participation in treatment or other rehabilitation programs.

38 (3) If the director's decision was based on the applicant's prior  
39 criminal conviction, justifies the director's denial of a ~~license~~  
40 *registration* and conveys the reasons why the prior criminal

1 conviction is substantially related to the qualifications, functions,  
2 or duties of a registered automotive repair dealer.

3 (d) (1) If the denial of a ~~license~~ *registration* is due at least in  
4 part to the applicant's state or federal criminal history record, the  
5 director shall include with the information provided pursuant to  
6 paragraph (3) of subdivision (c) a copy of the applicant's criminal  
7 history record.

8 (A) The state or federal criminal history record shall not be  
9 modified or altered from its form or content as provided by the  
10 Department of Justice.

11 (B) The criminal history record shall be provided in such a  
12 manner as to protect the confidentiality and privacy of the  
13 applicant's criminal history record and the criminal history record  
14 shall not be made available by the director to any employer.

15 (C) The director shall record and maintain the name of the  
16 applicant, the applicant's address, and the date the criminal history  
17 record was provided by the director to the applicant pursuant to  
18 this section.

19 (2) The director shall make that information available upon  
20 request by the Department of Justice or the Federal Bureau of  
21 Investigation.

22 (e) Notwithstanding Section 487, the director shall conduct a  
23 hearing of a registration denial within 90 days of receiving an  
24 applicant's request for a hearing. For all other hearing requests,  
25 the director shall determine when the hearing shall be conducted.

26 (f) In any case in which the administrative law judge  
27 recommends that the ~~board~~ *director* revoke, suspend, or deny a  
28 registration, the administrative law judge may, upon presentation  
29 of suitable proof, order the registrant to pay the ~~board~~ *director* the  
30 reasonable costs of the investigation and adjudication of the case.  
31 For purposes of this section, "costs" include any charges by the  
32 ~~board~~ *director* for investigating the case, any charges incurred by  
33 the office of the Attorney General for investigating and presenting  
34 the case, and any charges incurred by the Office of Administrative  
35 Hearings for hearing the case and issuing a proposed decision.

36 (g) The costs to be assessed shall be fixed by the administrative  
37 law judge and shall not, in any event, be increased by the director.  
38 When the director does not adopt a proposed decision and remands  
39 the case to an administrative law judge, the administrative law

1 judge shall not increase the amount of any costs assessed in the  
2 proposed decision.

3 (h) The director may enforce the order for payment in the  
4 superior court in the county where the administrative hearing was  
5 held. This right of enforcement shall be in addition to any other  
6 rights the director may have as to any registrant directed to pay  
7 costs.

8 (i) In any judicial action for the recovery of costs, proof of the  
9 director's decision shall be conclusive proof of the validity of the  
10 order of payment and the terms for payment.

11 (j) Notwithstanding any other provision of law, all costs  
12 recovered by the director under this section shall be deposited in  
13 the Vehicle Inspection and Repair Fund as a scheduled  
14 reimbursement in the fiscal year in which the costs are actually  
15 recovered.